

a principal address at 107 Osage Path, Stoystown, Pennsylvania, 15563. Ms. McClatchey is the registered copyright owner of a photograph entitled "End of Serenity", and bearing copyright registration number VA 1-128-462. A copy of the copyright registration is attached as Exhibit A. In addition, a copyrighted photocopy of the photograph is attached as Exhibit B.

6. Defendant The Associated Press is a not-for-profit corporation incorporated under the laws of New York with 242 bureaus worldwide and headquarters at 40 W. 33rd Street, New York, New York 10001. AP is registered to do business in Pennsylvania and has a registered office at the Telegraph Building, Harrisburg, Pennsylvania, 17105. In addition, AP has an office located at 6 Gateway Center, Suite 222, Pittsburgh, Pennsylvania, 15222. AP is in the business of producing and archiving news information and related media, including videos and photographs, for third party news provider use. More than a billion people a day read, hear, or see AP's news. In the United States, AP serves 1,700 newspapers and 5,000 radio and television stations. The AP also has more than 8,500 International subscribers in newspaper, radio and television in 121 countries. As such, the AP has obtained significant prestige as a national news media provider.

BACKGROUND

7. In the aftermath of the September 11, 2001 terrorist attacks, the media was flooded with articles, photographic and video footage related to the attacks.

8. AP has published a significant number of articles, photographs, and similar materials on and related to the September 11, 2001 terrorist attacks.

9. AP has made their publications, both print and online, available throughout the United States and the world.

10. Despite the flood of media attention related to the attacks, Plaintiff took what turned out to be the only existing photograph of the immediate aftermath of the crash of Flight 93 in Somerset County, Pennsylvania. Plaintiff entitled her photograph "End of Serenity." The

photograph has been used across the nation, internationally, and is in the Smithsonian Institution's exhibit on the September 11 attacks. The original digital image is in custody of the FBI.

11. At all relevant times, copyright in the photograph has been filed and registered in Plaintiff's name with the United States Copyright Office. The effective date of registration of the photograph is January 29, 2002.

12. Plaintiff donates the photograph free of charge for use by non-commercial organizations and entities. Further, a substantial portion of any proceeds that Plaintiff has received from commercial sale and use of the photograph is donated to the Todd M. Beamer Foundation, which aids children affected by the 9/11/01 attacks.

13. On or about September, 2002, Charles Sheehan, a writer for the Associated Press, interviewed the Plaintiff about the photograph for a news article entitled "Photo Brought Fame, Not Fortune For Woman." The article, which published on September 13, 2002, is attached as Exhibit C. In the article, Mr. Sheehan describes the unique nature of the photograph, "[t]he picture is one of the few images of the crash, and within two weeks it had been purchased by major U.S. magazines including U.S. News & World Report, Newsweek, Time, and several major magazines in Europe."

14. Plaintiff provided to the AP a courtesy copy of the photograph to use in connection with the proposed article. The courtesy copy included and incorporated a copyright notice line identifying Plaintiff as the rights holder to the work.

15. At no time did Plaintiff, either orally or in writing, provide to AP any express or implied authority to license or re-sell the "End of Serenity" photograph.

16. As a gesture of goodwill, Plaintiff gave Gene Puskar, an AP photographer, an 8X10 of the photograph for his personal use, which included and incorporated a copyright notice line identifying Plaintiff as rights holder to the work. Plaintiff further reminded Mr. Puskar that

the photograph was copyrighted.

17. At no time did Plaintiff, either orally or in writing, authorize Mr. Puskar to provide to AP any express or implied authority to license or re-sell the "End of Serenity" photograph.

18. Upon information and belief, either Mr. Puskar provided the photograph to the AP, or the AP made use of the courtesy copy of the photograph they had been given for use in the article. The AP then removed the Plaintiff's name and copyright notice from the photograph, and placed the photograph in a downloadable database on their Internet web site.

19. AP collects licensing revenue from customers and licensees, such as America Online ("AOL"), in connection with providing access to AP's downloadable database and archived materials.

20. Upon information and belief, on or about August 2003, AOL downloaded Plaintiff's copyrighted photograph from AP's database. The downloaded photograph did not contain a copyright notice identifying Plaintiff as the copyright owner of the work. On August 8, 2003, the "End of Serenity" appeared on AOL's home page. See the August 8, 2003 AOL homepage screen shot attached as Exhibit D.

21. At no time prior to or following providing AOL or any other customer's access to the photograph did AP obtain permission from Plaintiff to alter, license to the public, or authorize use of Plaintiff's copyrighted work.

COUNT I
(Direct Copyright Infringement)

22. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 21 as if fully set forth herein.

23. Plaintiff has complied in all respects with the Copyright Act of 1976, 17 U.S.C. § 101 et. seq., as amended, and all other laws and regulations governing copyrights, and has secured the exclusive rights and privileges in and to the copyright of the photograph "End of

Serenity."

24. AP engaged in direct infringement of Plaintiff's copyright by (a) reproducing, distributing, and displaying the photograph without Plaintiff's permission, license, or consent; and (b) preparing derivative works based upon the photograph without Plaintiff's permission, license or consent. AP's conduct constitutes direct infringement under 17 U.S.C. §§ 106 and 501 et seq.

25. The foregoing acts of infringement by AP have been willful, intentional, and purposeful, in disregard of, and indifferent to the rights of the Plaintiff.

26. As a direct and proximate result of the direct infringements by AP of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and AP's profits pursuant to 17 U.S.C. § 504(b) for each act of infringement.

27. Alternatively, Plaintiff is entitled to the maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000, or such other amounts as may be proper under 17 U.S.C. § 504(c) for each infringement.

28. Plaintiff is further entitled to attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

29. AP's conduct threatens to cause, and is causing, and unless enjoined and restrained by this Court, will continue to cause, Plaintiff great and irreparable injury that cannot be fully compensated for or measured in money. Plaintiff has no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to preliminary and permanent injunctions prohibiting further infringements of her copyright and exclusive rights under copyright.

COUNT II
(Contributory Copyright Infringement)

30. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 21 as if fully set forth herein.

31. As a result of AP's conduct, copyright infringements occur whenever AP's customers or licensees, without authorization of the Plaintiff, download the photograph from the AP database to their own computer. This action creates an unauthorized distribution and results in an unauthorized copy. Each of these infringements is facilitated, encouraged, and made possible by the AP. Upon information and belief, the photograph has been widely downloaded and obtained from the AP by at least The Washington Post, The Chicago Tribune, and America Online ("AOL").

32. Through its conduct, AP has engaged and continues to engage in the business of knowingly and systematically inducing, causing, and materially contributing to the above described unauthorized reproductions and/or distributions of the Plaintiff's work.

33. The foregoing acts of infringement by AP have been willful, intentional, and purposeful, in disregard of, and indifferent to the rights of the Plaintiff.

34. AP's conduct constitutes contributory infringement of Plaintiff's copyright and Plaintiff's exclusive rights under copyright in violation of 17 U.S.C. §§ 106 and 501.

35. As a direct and proximate result of the contributory infringements by AP of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and AP's profits pursuant to 17 U.S.C. § 504(b) for each act of contributory infringement.

36. Alternatively, Plaintiff is entitled to the maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000, or such other amounts as may be proper under 17 U.S.C. § 504(c) for each contributory infringement.

37. Plaintiff is further entitled to attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

38. The conduct of AP threatens to cause, and is causing, and unless enjoined and restrained by this Court, will continue to cause, Plaintiff great and irreparable injury that cannot be fully compensated for or measured in money. Plaintiff has no adequate remedy at law.

Pursuant to 17 U.S.C. § 502, Plaintiff is entitled to preliminary and permanent injunctions prohibiting further infringements of her copyright and exclusive rights under copyright.

COUNT III
(Vicarious Copyright Infringement)

39. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 21 as if fully set forth herein.

40. At all relevant times, AP had the right and ability to supervise and/or control the infringing conduct of its customers/licensees by, without limitation, removing the photograph from its archives and/or removing the photograph from its downloadable database, but has failed to exercise such supervision and/or control. As a direct and proximate result of such failure, AP's customers and licensees have infringed Plaintiff's copyright.

41. At all relevant times, AP derived substantial financial benefit from infringement of Plaintiff's copyright by its customers and licensees in that, among other things, it had the only existing photograph taken of the immediate aftermath of Flight 93, and it receives payment from its customers and licensees for access to the downloadable database of photographs.

42. The foregoing acts of infringement by AP have been willful, intentional, and purposeful, in disregard of and indifferent to the rights of Plaintiff.

43. AP's conduct constitutes vicarious infringement of Plaintiff's copyright and Plaintiff's exclusive rights under copyright in violation of 17 U.S.C. §§ 106 and 501.

44. As a direct and proximate result of the contributory infringements by AP of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and AP's profits pursuant to 17 U.S.C. § 504(b) for each act of vicarious infringement.

45. Alternatively, Plaintiff is entitled to the maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000, or such other amounts as may be proper under 17 U.S.C. § 504(c) for each vicarious infringement.

46. Plaintiff is further entitled to attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

COUNT IV
(Distributing False Copyright Management Information in Violation of the Digital Millennium Copyright Act)

47. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 21 as if fully set forth herein.

48. After receiving Plaintiff's photograph, AP intentionally, and without Plaintiff's consent, removed Plaintiff's copyright notice and identifying information from the border of the photograph and placed the photograph in its downloadable database. 49. AP knowingly distributed Plaintiff's photograph, without Plaintiff's identifying information and copyright notice to AOL and other customers and licensees with the intent to induce, enable, facilitate, or conceal infringement.

50. AP's conduct constitutes providing false copyright management information in violation of 17 U.S.C. §§ 1202(a).

51. As a direct and proximate result of AP's violations, Plaintiff is entitled to damages and AP's profits pursuant to 17 U.S.C. § 1203(c)(2) for each violation.

52. Alternatively, Plaintiff is entitled to the maximum statutory damages, pursuant to 17 U.S.C. § 1203(c)(3)(B), in the amount of \$25,000 for each violation.

53. Plaintiff is further entitled to attorneys' fees and full costs pursuant to 17 U.S.C. § 1203(b).

COUNT V
(Removal of Copyright Management Information in Violation of the Digital Millennium Copyright Act)

54. Plaintiff repeats and re-alleges each and every allegation contained in paragraphs 1 through 21 as if fully set forth herein.

55. After receiving Plaintiff's photograph, AP intentionally, and without Plaintiff's consent, removed Plaintiff's copyright notice and identifying information from the border of the photograph and placed the photograph on its web site.

56. AP's conduct constitutes removing and altering copyright management information, in violation of 17 U.S.C. §§ 1202(b).

57. As a direct and proximate result of AP's violations, Plaintiff is entitled to damages and AP's profits pursuant to 17 U.S.C. § 1203(c)(2) for each violation.

58. Alternatively, Plaintiff is entitled to the maximum statutory damages, pursuant to 17 U.S.C. § 1203(c)(3)(B), in the amount of \$25,000 for each violation.

59. Plaintiff is further entitled to attorneys' fees and full costs pursuant to 17 U.S.C. § 1203(b).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against AP as follows:

A. For AP's profits and for damages in such an amount as may be found, or alternatively, for maximum statutory damages of not less than \$150,000 with respect to each copyrighted work infringed, or for such other amount as may be proper pursuant to 17 U.S.C. § 504(c).

B. For a preliminary and a permanent injunction enjoining AP and AP's agents, servants, employees, officers, attorneys, successors, licensees, partners, and assigns, and all persons acting in concert or participation with each or any of them, from (i) directly or indirectly infringing in any manner any of Plaintiff's copyright or other exclusive rights (whether now in existence or hereafter created); (ii) causing, contributing to, enabling, facilitating, or participating in the infringement of any of Plaintiff's respective copyrights; and (iii) causing, contributing to enabling, facilitating, or participating in the reproduction or distribution of any of Plaintiff's copyrights.

C. For AP's profits and for damages in such an amount as may be found, or alternatively, for maximum statutory damages of not less than \$25,000 per violation or for such other amount as may be proper pursuant to U.S.C. § 1203(c)(3)(B).

D. For AP's profits and for damages in such an amount as may be found, or alternatively, for maximum statutory damages of not less than \$25,000 per violation or for such other amount as may be proper pursuant to U.S.C. § 1203(c)(3)(B).

E. For prejudgment interest according to law.

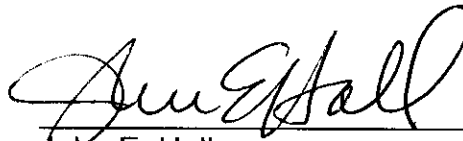
F. For Plaintiff's attorneys' fees, costs, and disbursements in this action.

G. For such other and further relief as the Court may deem just and proper.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Ms. McClatchey requests a trial by jury on all issues presented that can properly be tried to a jury.

Respectfully submitted,

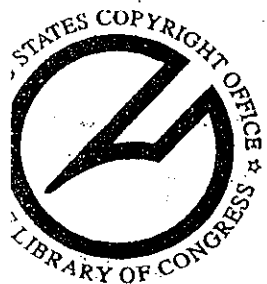


John E. Hall

Eckert Seamans Cherin & Mellott, LLC
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600 Grant Street, 44th Floor
Pittsburgh, Pennsylvania 15219
Phone: (412) 566-6000
Fax: (412) 566-6099

Douglas M. Hall
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181 West Madison, Suite 4600
Chicago, Illinois 60602-4515
Phone: 312-236-0733
Fax: 312-236-3137
Attorneys for Valencia M. McClatchey

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

REGISTER OF COPYRIGHTS

United States of America

For a Work of the Visual Arts
UNITED STATES COPYRIGHT OFFICE

Registration Number

VA 1-128-462



WUS001128462

Effective Date of Registration

1-29-2002

Application Received

Jan 29 02

Deposit Received

One

Two Jan 29

Fee Received

(TYPE OR PRINT IN BLACK INK. DO NOT WRITE ABOVE THIS LINE.)

Title of This Work:

1

END OF SERENITY

Alternative title or title of larger work in which this work was published:

Name and Address of Author and Owner of the Copyright:

2

VALENCIA M. McCLATCHY
107 OSAGE PATH
STOYSTOWN, PA. 15563

Nationality or domicile:
Phone, fax, and email:

Phone (814) 754-4796
Email Stoooge @ shol.com

Year of Creation:

3

2001

If work has been published,
Date and Nation of Publication:

4

a. Date OCTOBER 1, 2001 (Month, day, and year all required)

b. Nation USA

Type of Authorship in This Work:

5

Check all that this author created.

☐ 3-Dimensional sculpture ☒ Photograph ☐ Map
☐ 2-Dimensional artwork ☒ Jewelry design ☐ Text
☐ Technical drawing

Signature:

6

Registration cannot be completed without a signature.

I certify that the statements made by me in this application are correct to the best of my knowledge. * Check or

☒ Author ☐ Authorized agent

X Valencia M. McClatchy

Name and Address of Person to Contact for Rights and Permissions:
Phone, fax, and email:

7

☒ Check here if same as #2 above.

Phone ()
Email

Fax ()

EXHIBIT

tabbles

A

8

Certificate will be mailed in window envelope to this address:

Name

VALENCIA M. McCLATCHY

Number/Street/Apt

107 OSAGE PATH

City/State/ZIP

STOYSTOWN, PA. 15563

Complete this space only if you currently hold a Deposit Account in the Copyright Office.

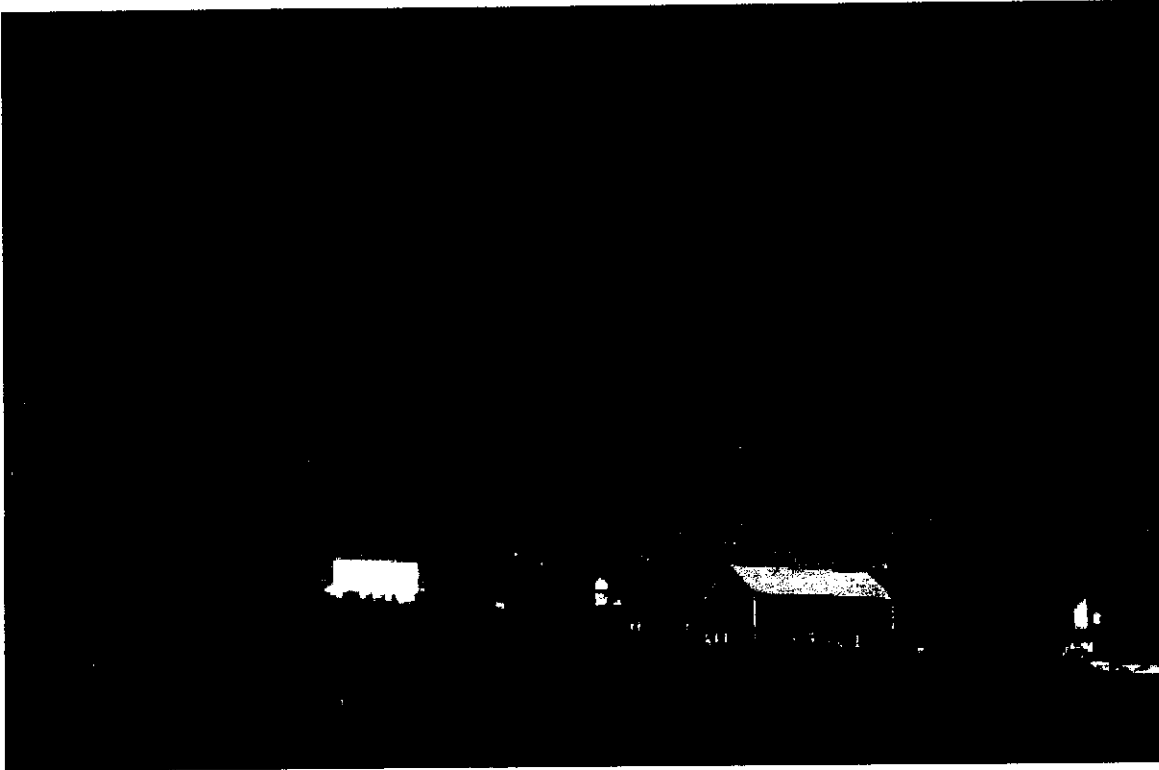
9

Deposit Account #

Name

DO NOT WRITE HERE Page 1 of 1

B



EXHIBIT

B

Friday, September 13, 2002

The Tribune-Democrat, Johnstown, Pa.

WORLD IN TURMOIL

Photo brought fame, not fortune for woman

Shanksville resident captured horror

By CHARLES SHEMAN
THE ASSOCIATED PRESS

SHANKSVILLE — The horror unfolding on Val McClatchey's television the morning of Sept. 11 was just beginning to sink in when a violent blast outside cut the power to her home and blackened the screen.

Running outside, McClatchey, 46, captured with a digital camera the moment that the terrorist attacks, once hundreds of miles away, came to this Western Pennsylvania community of 245 people.

The time and date recorded on the image marked the beginning of a tumultuous year for McClatchey. She came to the crash site, about a mile from her home where she took the picture, to mark the anniversary with thousands of others Wednesday.

"I just felt that this was one of the only places I could kind of blend in and find some anonymity," she said. "It's been chaos since that day."

In the image, which has brought news crews to the front door and a

limited amount of fame to McClatchey, a sinister black, mushroom-shaped cloud rises from an otherwise peaceful view of a farm with a painted red barn.

United Airlines Flight 93 crashed just outside Shanksville shortly after 10 a.m. Sept. 11. Investigators say passengers aboard the Boeing 757 fought hijackers for control before the airliner crashed upside down in an open field, killing all 40 passengers and crew.

The picture is one of the few images of the crash, and within two weeks it had been purchased by major U.S. magazines including U.S. News & World Report, Newsweek, Time and several major magazines in Europe.

But ripples from the terrorist attacks had an almost immediate effect on McClatchey and her husband, John.

JCM Industries, a sawmill owned and operated by John McClatchey with 46 employees, was forced to file for bankruptcy protection on Sept. 20.

"After the attacks, insurance com-

panies just didn't want to cover companies that did work that's considered risky," Mr. McClatchey said. "We had always been able to get insurance, but things changed."

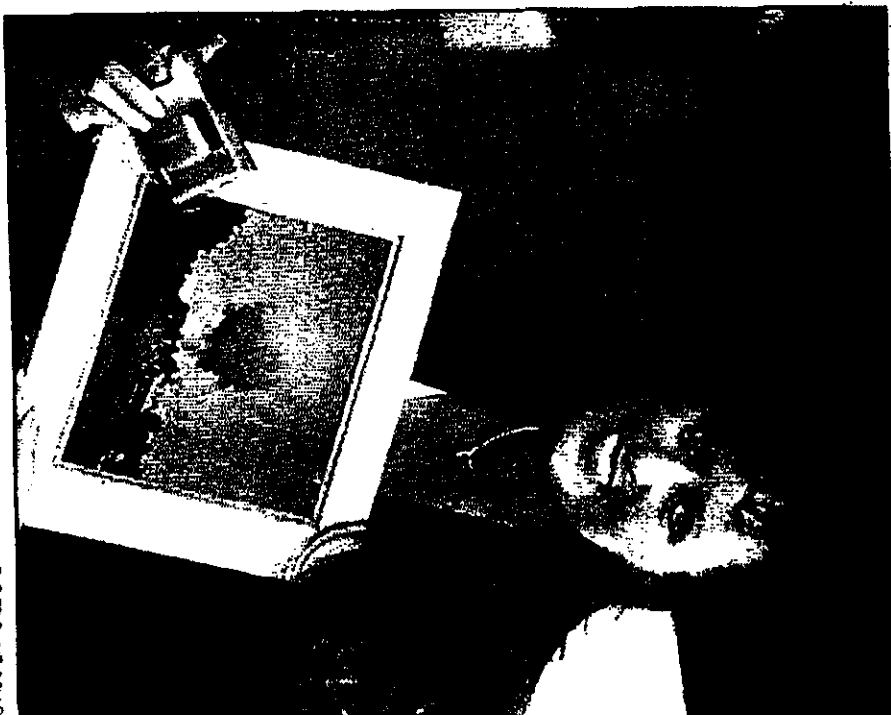
He said the attacks may not have been the sole reason for the collapse of his business, but they played a direct role.

In the year after the attacks, with the sawmill gone, Mrs. McClatchey's health would take a turn for the worse. She would need gallbladder surgery and tumors removed from her kidneys and liver.

"We're struggling," she said. "My husband got a job brokering pallets. I took real estate classes and got my license, but it's been hard."

The images McClatchey said she sold for \$250 to \$350 have not done much to help the couple financially.

Some residents of the region who wanted copies of the image have insisted on paying cash to cover costs of printing, and McClatchey said she has donated almost all of that money to the Todd M. Beamer Foundation, a fund named after one



THE TRIBUNE-DEMOCRAT

Val McClatchey of Shanksville holds the photograph she snapped outside her home shortly after the crash of United Airlines Flight 93.

of the passengers aboard Flight 93 that aids children affected by the terrorist attacks.

But the McClatcheys say they are waiting to see what next year will bring, and they remain optimistic.

"It depends on how things go the bankruptcy, but I know we stronger people now than we were year ago," she said. "This is a break."

EXHIBIT

J-10007

America Online

File Edit Print Window Sign Off Help

Mail Read Write People IM Chat Services Shop Internet AOL Help Settings Favorites My Favorites Radio Parental Control

Channels AOL Keywords Type AOL Keywords or Web Addresses here

Search by Google

Welcome

Autos

Careers & Work

Computer Center

Entertainment

Games

Health

Home/Real Estate

International

Kids Only

Local Guide

Music

News

Parenting

Personal Finance

Research & Learn

Shopping

Sports

Teens

Travel

Women

Welcome, Invent000!

AOL for Small Business

AOL News

New Theory On Flight 93

As Revolt Began, Data Shows Hiltaker Crashed on Purpose
- Marine Cut Comrades' Chutes

More News: [Soldier Shot Dead in Iraq](#)

Business E-Mail

Get it & Save 25%
Get Biz E-Mail?
- Access it Here

The Markets Full Coverage

DJIA	9,176.80	+50.35
Nasdaq	1,647.33	-4.85
S&P 500	977.78	+3.66
10yr Bond	4.21%	-0.17

Get Quote

Special Offers

Ship Online, Save 10%
FedEx Express Shipping

Better on AOL FOR BROADBAND

Quiet Comedy
Charlie Chaplin Is
The Vagabond?
Watch It Now

Highspeed Essentials
Check Out Video@AOL
[Broadband Gear | Help](#)

start GoldMine 5.7 Inbox - Outlook Express America Online

EXHIBIT

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D

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

05-145

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Valencia M. McClatchey

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Eckert Seamans Cherin & Mellott, LLC
USX Tower
600 Grant Street, 44th Floor
Pittsburgh, PA 15219
(412) 566-6000

Niro, Scavone, Haller & Niro
181 W. Madison, Suite 4600
Chicago, IL 60602
(312) 236-0733

DEFENDANTS

The Associated Press

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | PTF | DEF | PTF | DEF |
|---|--|---|--|
| Citizen of This State | <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIW C/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 U.S.C. Section 101, et seq.

Brief description of cause:

Copyright Infringement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

2-23-05

SIGNATURE OF ATTORNEY OF RECORD

J. E. Hall

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

JS 44AREVISED OCTOBER, 1993

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THIS CASE DESIGNATION SHEET MUST BE COMPLETED

PART A

This case belongs on the (Erie X Johnstown Pittsburgh) calendar.

ERIE CALENDAR - If cause of action arose in the counties of Crawford, Elk, Erie, Forest, McKean, Venang

1. or Warren, OR any plaintiff or defendant resides in one of said counties.
2. JOHNSTOWN CALENDAR - If cause of action arose in the counties of Bedford, Blair, Cambria, Clearfield or Somerset OR any plaintiff or defendant resides in one of said counties.
3. Complete if on ERIE CALENDAR: I certify that the cause of action arose in County and that the resides in County.
4. Complete if on JOHNSTOWN CALENDAR: I certify that the cause of action arose in Somerset County and that the Plaintiff resides in Somerset County.

PART B (You are to check ONE of the following)

1. This case is related to Number Judge .
2. X This case is not related to a pending or terminated case.

DEFINITIONS OF RELATED CASES:

CIVIL: Civil cases are deemed related when a case filed relates to property included in another suit or involves the same issues of fact or it grows out of the same transactions as another suit or involves the validity or infringement of a patent involved in another suit

EMINENT DOMAIN: Cases in contiguous closely located groups and in common ownership groups which will lend themselves to consolidation for trial shall be deemed related.

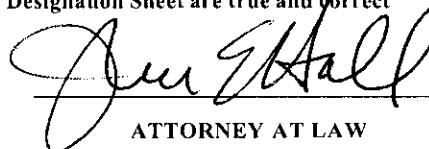
HABEAS CORPUS & CIVIL RIGHTS: All habeas corpus petitions filed by the same individual shall be deemed related. All pro se Civil Rights actions by the same individual shall be deemed related.

PART C

1. CIVIL CATEGORY (Place x in only applicable category).

1. () Antitrust and Securities Act Cases
2. () Labor-Management Relations
3. () Habeas Corpus
4. () Civil Rights
5. (X) Patent, Copyright, and Trademark
6. () Eminent Domain
7. () All other federal question cases
8. () All personal and property damage tort cases, including maritime, FELA, Jones Act, Motor vehicle, products liability, assault, defamation, malicious prosecution, and false arrest
9. () Insurance indemnity, contract and other diversity cases.
10. () Government Collection Cases (shall include HEW Student Loans (Education), VA Overpayment, Overpayment of Social Security, Enlistment Overpayment (Army, Navy, etc.), HUD Loans, GAO Loans (Misc. Types), Mortgage Foreclosures, S.B.A. Loans, Civil Penalties and Coal Mine Penalty and Reclamation Fees.)

I certify that to the best of my knowledge the entries on this Case Designation Sheet are true and correct

Date: Feb 22, 2005


ATTORNEY AT LAW

NOTE: ALL SECTIONS OF BOTH SIDES MUST BE COMPLETED BEFORE CASE CAN BE PROCESSED.